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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/900,591	07/05/2001	Jiyunji Uchida	20911-06160	4107

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EXAMINER

ZHOU, TING

ART UNIT PAPER NUMBER

2173

DATE MAILED: 01/16/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

09/900,591

Applicant(s)

UCHIDA ET AL.

Examiner

Ting Zhou

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All   b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_                      6) ☐ Other: \_\_\_\_

### **DETAILED ACTION**

1. The Information Disclosure Statements (IDS) received on July 5, 2001, January 16, 2002, June 19, 2002, June 4, 2003, and October 2, 2003 have been received. It is noted that the references listed on page 1 of the IDS received on June 4, 2003 have been crossed out accidentally. However, the references have been considered and included in the attached Notice of References Cited (PTO-892) page.

### ***Specification***

2. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

The abstract is objected to because it recites the speculative advantages of the invention in the sentence, "Thus, the reliability of a schedule is improved.", on lines 13-14.

### ***Claim Objections***

3. Claims 7 and 16 are objected to because of the following informalities:

a. The use of “wherein the modification means includes” on line 4 of claim 7 is grammatically incorrect. The phrase should be changed to -- wherein the modification means include --. Appropriate correction is required.

b. The phrase “in response to recordation of the progress data has been recorded in the schedule” in claim 16 does not clearly convey the intended meaning of the claim. The examiner advises the phrase to be changed to -- in response to recording of the progress data in the schedule --.

4. It is noted that with respect to claim 1, all subject matter recited after the clause “whereby” is not accorded any patentable weight. Applicant is recommended to change “whereby” to “wherein”.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an

international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1-3, 6-7, 12-14, 17 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by O'Brien U.S. Patent 6,587,831.

Referring to claims 1, 12 and 22, O'Brien teaches a schedule management system and method connected to a network (column 1, lines 44-46). Specifically, O'Brien teaches, in column 1, lines 58-67 and continuing onto column 2, lines 1-32, the method and system comprising a schedule table for storing a schedule created by the managing party (network), a transfer means for transferring the schedule to a common schedule table provided on the network (the schedule requirements specified by the client side machines are transferred to the host machine to be processed), a controller configured to provide each of the managed parties (client side machines) with an inquiry means for inquiring the schedule stored in the common schedule table, wherein, when a modification to the schedule stored in the schedule table is made, the modified schedule is transferred to the common schedule table and whereby the managed parties can inquire the latest schedule. The client side machines have the abilities to send additional information to the network and the schedule generated on the host network is subsequently revised to reflect those changes. Once the common schedule has been revised and updated, the schedule is made available to each of the client side machines.

Referring to claims 2 and 13, O'Brien teaches providing each of the managed parties (client side machines) with a modification means wherein the system further comprises a

receiving means for receiving modification data entered via the modification means by the managed parties (schedule data are received by the host network from the client side machines) and wherein the controller (host network) is further configured to modify the schedule stored in the schedule table with the received modification data (the host network revised in accordance with the data received), as recited in column 2, lines 15-32.

Referring to claims 3 and 14, O'Brien teaches the transfer of the schedule to the common schedule table is automatically activated when the modification to the schedule has been completed, as recited in column 4, lines 58-67. When the schedule is complete, the host server automatically makes the schedule available for viewing by the client side machines.

Referring to claims 6 and 17, O'Brien teaches the common schedule table provided in a web server outside the managing party, the web server being connected to the managed parties through the Internet (the client side machines and host server are connected via the Internet) (column 3, lines 5-8 and Figure 1), wherein the controller is further configured to provide each of the managed parties with a page for inquiring the schedule stored in the common schedule table through the Internet (requests from the inbound queue, by the client side machines, to access the scheduling engine are received through the Internet) (column 4, lines 59-63).

Referring to claim 7, O'Brien teaches the common schedule table provided in a web server outside the managing party, the web server being connected to the managed parties through the Internet (the client side machines and host server are connected via the Internet) (column 3, lines 5-8 and Figure 1), wherein the modification means include a page for entering the modification data (column 2, lines 15-32) and wherein, in response to a click of a transfer button provided on the page, the modification data entered in the page is transferred to the

system (when the modification of the schedule is complete, the current schedule can be transferred to the managers and employees on command by an active “push”) (column 2, lines 1-5 and column 6, lines 18-22).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4-5, 8-11, 15-16, 18-21 and 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over O’Brien U.S. Patent 6,587,831, as applied to claims 1, 12 and 22 above, and further in view of Matsuzaki et al. U.S. Patent 5,767,848.

Referring to claims 4, 15 and 23, while O’Brien et al. teach all of the limitations as applied to the claims above, he fails to teach a receiving means for receiving and recording progress data entered via the progress input means by the managed parties. Matsuzaki et al. teach a development support method and system managing the development schedule of the processes of a project similar to that of O’Brien. In addition, Matsuzaki et al. further teach progress input means (via the progress data input button), wherein the system and method further comprises receiving means for receiving progress data entered via the progress input means by

the managed parties (receiving data from the user) and wherein the controller is configured to record and receive progress data in the schedule stored in the schedule table, as recited in column 1, lines 63-67, column 2, lines 1-6 and column 9, lines 40-46. It would have been obvious to one of ordinary skill in the art, having the teachings of O'Brien and Matsuzaki et al. before him at the time the invention was made, to modify the schedule management scheme of O'Brien to include the progress input means taught by Matsuzaki et al. It would have been advantageous for one to utilize such a combination in order to allow users of the schedule system to easily update and view the progress of the tasks being worked on; users can see how close to completion the tasks are.

Referring to claims 5, 16 and 24, while O'Brien et al. teach all of the limitations as applied to the claims above. In particular, O'Brien teaches the transfer of the modified schedule table to the common schedule table, as recited in column 1, lines 58-67 and continuing onto column 2, lines 1-32. However, O'Brien fails to teach transfer of the schedule to the common schedule table automatically when the progress data has been recorded. Matsuzaki et al. teach a development support method and system managing the development schedule of the processes of a project similar to that of O'Brien. In addition, Matsuzaki et al. further teach displaying the progress data on the schedule automatically when the data has been received from the user (via the development progress monitoring means), as recited in column 2, lines 66-67 and continuing onto column 3, lines 1-5. It would have been obvious to one of ordinary skill in the art, having the teachings of O'Brien and Matsuzaki et al. before him at the time the invention was made, to modify the schedule management scheme of O'Brien to include the automatic display of received progress data, as taught by Matsuzaki et al., in order for the system and method to



automatically transfer the schedule to the common schedule table when the progress data has been recorded. It would have been obvious to make such a combination in order to allow every user of the system to view the schedule with the progress of all of the tasks shown on it.

Referring to claim 8, O'Brien teaches all of the limitations as applied to the claims above. He also teaches the common schedule table provided in a web server outside the managing party, the web server being connected to the managed parties through the Internet (the client side machines and host server are connected via the Internet) (column 3, lines 5-8 and Figure 1). However, O'Brien fails to teach progress input means for entering progress data and wherein, in response to a click of a transfer button, the progress data is transferred to the system. Matsuzaki et al. teach a development support method and system managing the development schedule of the processes of a project similar to that of O'Brien. In addition, Matsuzaki et al. further teach a page for entering the progress data (the display page containing the progress data input button) and wherein, in response to a click of a transfer button provided on the page (progress data input button), the progress data entered in the page is transferred to the system (the data entered is received and stored in the system), as recited in column 9, lines 40-46. It would have been obvious to one of ordinary skill in the art, having the teachings of O'Brien and Matsuzaki et al. before him at the time the invention was made, to modify the schedule management scheme of O'Brien to include the progress data input means taught by Matsuzaki et al. It would have been advantageous for one to utilize such a combination to make it as simple as possible to enter progress data on tasks; all the users have to do is enter the progress status and the information is transferred to be stored in the system.

Referring to claims 9 and 18, while O'Brien teaches all of the limitations as applied to the claims above, he fails to teach the display of progress data in a hierarchical format. Matsuzaki et al. teach a development support method and system managing the development schedule of the processes of a project similar to that of O'Brien. In addition, Matsuzaki et al. further teach displaying the progress data in a hierarchical format (displaying the progress of the processes in the configuration tree, which shows the hierarchical relation between the parts), as recited in column 16, lines 33-46. It would have been obvious to one of ordinary skill in the art, having the teachings of O'Brien and Matsuzaki et al. before him at the time the invention was made, to modify the schedule management scheme of O'Brien to include the hierarchical display of task progress taught by Matsuzaki et al. It would have been obvious to make such a combination so the users can tell by just looking at the progress/status reports, the order of the tasks, i.e., what tasks are parents of other tasks and what tasks belong to certain classes, etc. By being able to view these relationships, the users will be able to tell what tasks must be completed before other tasks can be completed.

Referring to claims 10, 19 and 25, while O'Brien teaches all of the limitations as applied to the claims above, he fails to teach comparing the progress data with the schedule. Matsuzaki et al. teach a development support method and system managing the development schedule of the processes of a project similar to that of O'Brien. In addition, Matsuzaki et al. further teach comparing the progress data with the schedule (comparing the estimated schedule corresponding to progress data with the target schedule) to assign a mark to the progress data in accordance with the comparison result (calculate a discrepancy between the estimated schedule and the target schedule) and to display the progress by the mark (providing the results of the

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comparison), as recited in column 7, lines 66-67, column 8, lines 1-10 and column 21, lines 31-40. It would have been obvious to one of ordinary skill in the art, having the teachings of O'Brien and Matsuzaki et al. before him at the time the invention was made, to modify the schedule management scheme of O'Brien to include the comparison of the progress data to the schedule, as taught by Matsuzaki et al. It would have been advantageous for one to utilize such a combination so the users can see how closely the actual progress of the tasks matches up to the ideal schedule set. The users can see how much more work needs to be done in order to finish the task on time.

Referring to claims 11, 20, 21 and 26, while O'Brien teaches all of the limitations as applied to the claims above, he fails to teach providing a page for viewing or editing a schedule in response to a selection of the displayed progress of the schedule. Matsuzaki et al. teach a development support method and system managing the development schedule of the processes of a project similar to that of O'Brien. In addition, Matsuzaki et al. further teach providing a page for editing a schedule in response to a selection of the schedule on the screen where the progress of the schedule is displayed (the users have the options to edit the schedule, for example, change the order of the activities, if the difference between the estimated schedule and the target schedule is too great), as recited in column 8, lines 23-30. It would have been obvious to one of ordinary skill in the art, having the teachings of O'Brien and Matsuzaki et al. before him at the time the invention was made, to modify the schedule management scheme of O'Brien to include updating of the progress of tasks, as taught by Matsuzaki et al. It would have been obvious for one to utilize such a combination to allow users to view and cater their planned schedules for tasks to better correlate with the actual progress of the tasks.

7. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach electronic books with similar mechanisms for note taking and retrieval.

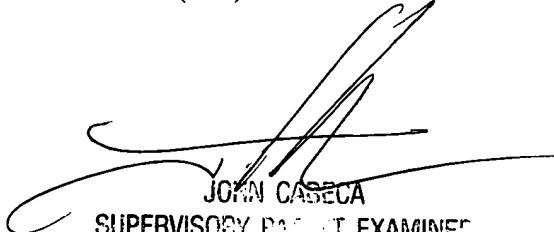
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ting Zhou whose telephone number is (703) 305-0328. The examiner can normally be reached on Monday - Friday 7:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703) 308-3116. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

January 9, 2004

  
JOHN CABECA  
SUPERVISORY PATENT EXAMINER  
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